

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA

Jerome Cochran,	)	C/A No. 6:13-1489-JFA-KFM
	)	
Plaintiff,	)	
vs.	)	ORDER
	)	
William R. Byars, Director, South	)	
Carolina Department of Corrections,	)	
	)	
Defendant.	)	
_____	)	

The *pro se* plaintiff, Jerome Cochran, brings this action pursuant to 42 U.S.C. § 1983 challenging his confinement at the South Carolina Department of Corrections where he is serving a life sentence for murder. He asks the court to rule that his conviction and sentence are invalid.

The Magistrate Judge assigned to this action<sup>1</sup> has prepared a thorough Report and Recommendation wherein he recommends that the complaint should be dismissed without prejudice. The Report sets forth in detail the relevant facts and standards of law on this matter, and the court incorporates such without a recitation.

The plaintiff was advised of his right to file objections to the Report and Recommendation, but he has failed to do so within the time limits set forth in the Report.

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<sup>1</sup> The Magistrate Judge's review is made in accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02. The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the court. *Mathews v. Weber*, 423 U.S. 261 (1976). The court is charged with making a *de novo* determination of those portions of the Report to which specific objection is made and the court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

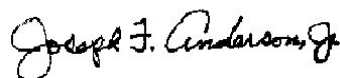
In the absence of specific objections to the Report of the Magistrate Judge, this court is not required to give any explanation for adopting the recommendation. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983).

The Magistrate Judge correctly opines that a challenge to plaintiff's state court convictions must be pursued through habeas corpus relief under 28 U.S.C. § 2254, not by seeking declaratory relief under 42 U.S.C. § 1983. Additionally, the Magistrate Judge notes that the plaintiff has sought habeas relief previously in this court in Civil Action No. 6:06-325-GRA-WMC involving the same 1974 murder conviction raised in his complaint here.

After carefully reviewing the applicable law, the record in this case, and the Report and Recommendation, the court finds the Magistrate Judge's recommendation fairly and accurately summarizes the facts and applies the correct principles of law. The court, therefore, adopts the recommendation of the Magistrate Judge in full and incorporates this Report by specific reference.

Accordingly, this action is dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "Joseph F. Anderson, Jr." in a cursive script.

August 20, 2013  
Columbia, South Carolina

Joseph F. Anderson, Jr.  
United States District Judge